



David B. Cohen

# CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: September 11, 2007  
Land Use Action Date: **TBD**  
Board of Aldermen Action Date: November 19, 2007  
90-Day Expiration Date: December 10, 2007

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Alexandra Aronoff, Planner  
Jean Fulkerson, Principal Planner

DATE: September 7, 2007

SUBJECT: **Petition #231-07** BOSTON SPORTS CLUBS for a SPECIAL PERMIT/SITE PLAN APPROVAL for one freestanding sign and two secondary wall signs at 135 WELLS AVENUE, Ward 8, NEWTON CENTRE, on land known as Sec 84 BLK 34, Lot 2E in a district zoned LIMITED MANUFACTURING.

**Petition #231-07(2)** BOSTON SPORTS CLUBS requesting that the restriction(s) adopted by Board Order #276-68(3) and subsequent amendments be further amended to provide for the installation of a freestanding sign and two secondary wall signs at 135 WELLS AVENUE.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information that will be presented at or after the public hearing that the Land Use Committee will consider in its discussion at a subsequent Working Session.

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## **EXECUTIVE SUMMARY**

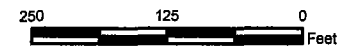
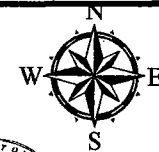
Boston Sports Club is seeking approval to install a freestanding sign at 135 Wells Avenue. As the petitioner already has two "wall" signs, which will become secondary signs, the petitioner is also seeking permission to waive the limit of one secondary wall sign on the same frontage. In conjunction with this request, the petitioner is also seeking to amend the Deed Restriction governing the Wells Avenue Office Park to exceed the 12 sq. ft. restriction on freestanding signs.



## Zoning 135 Wells Avenue City of Newton

### Legend

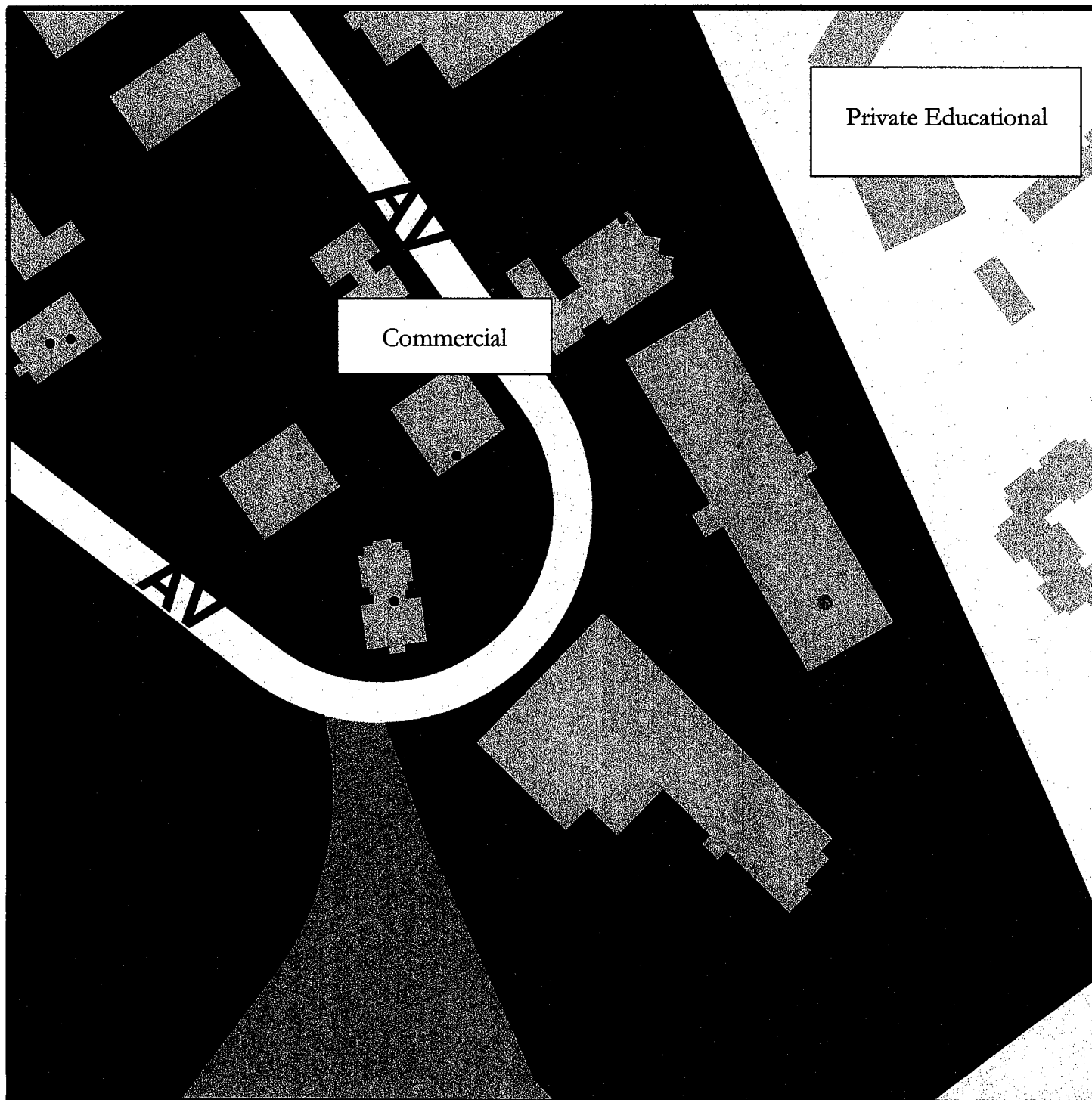
- Addresses
- Single Residence 1
- Single Residence 2
- Single Residence 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Residence 1
- Multi-Residence 2
- Multi-Residence 3
- Multi-Residence 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee its accuracy or nor approve applications based solely on GIS data. Applicants for city permits must inquire of the relevant city department for applicable requirements.

City of Newton  
Mayor - David B. Cohen  
GIS Administrator - Douglas Greenfield

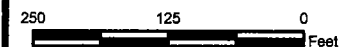
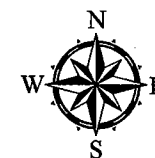
MAP DATE: August 29, 2007



# **Land Use** **135 Wells Avenue** **City of Newton**

## **Legend**

- Addresses
- Single Family Residential
- Multifamily Residential
- Commercial
- Industrial
- Mixed Use
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt



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**MAP DATE: August 29, 2007**

## **I. ELEMENTS OF THE PETITION**

In January 2007, Boston Sports Club (BSC) as successor to Wellbridge Health and Fitness Center at 135 Wells Avenue sought approval of several signs with the Urban Design and Beautification Commission (UDBC). This included replacing the panel of an existing freestanding sign and two wall mounted signs. The UDBC supported the sign plan proposed, but noted that the petitioner would need a special permit for the freestanding sign and to have two secondary signs on one frontage. Following research, the petitioner concluded that there was no prior special permit authorizing the predecessor's freestanding sign. As a result, Boston Sports Club proceeded to obtain UDBC approval of the two building signs and deferred the freestanding sign. The petitioner is now seeking approval to legalize the existing freestanding sign and seeks an exception to the limit of one secondary sign per frontage for the two existing wall mounted signs.

## **II. ZONING RELIEF BEING SOUGHT**

*Based on the Chief Zoning Code Official's written determination (SEE ATTACHMENT "A"), the petitioner is seeking relief from or approvals through the following sections of the Zoning Ordinance:*

- *Section 30-20(f)(2) and Section 30-20(l) for approval to waive the limit of one secondary wall sign per frontage and authorize two secondary wall signs on same frontage facing parking lot;*
- *Section 30-20(f)(9) and Section 30-20(l) for approval of a freestanding sign naming the Boston Sports Club;*
- *Section 30-23 for Site Plan Approval pertaining to sign locations, elevation plan pertaining to placement of sign band for wall signs, and proposed plantings and planting area associated with freestanding sign;*
- *Section 30-24(d) and 30-20(l) for approval of freestanding sign and for approval of exceptions authorizing two secondary signs on same frontage facing parking lot; and*
- *DR Sec. 8c for approval of dimensional waiver to allow freestanding sign installation exceeding 12 sq. ft. for BSC sign.*

## **III. SIGNIFICANT ISSUES FOR CONSIDERATION**

*In reviewing this petition, the Board of Aldermen should consider the following:*

- *Whether the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that a freestanding sign will serve the public convenience and welfare;*
- *Whether the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that two secondary wall signs facing the parking lot will serve the public convenience and welfare; and*
- *Whether the location, size, or number of freestanding and secondary signs would have any adverse impacts on the surrounding neighborhood.*

#### IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

##### A. Site

The 276,000 sq. ft. site is located in the Wells Avenue Office Park. The site has recently been occupied by Wellbridge Health and Fitness Center and previously by several other athletic and fitness enterprises. While there is an existing freestanding sign on site, the petitioners were not able to discover an authorizing Board Order and are seeking to legalize the sign and change the panel. Two existing and UDBC approved wall mounted sign also exist on-site.

##### B. Neighborhood

The petitioners' site is located within the Wells Avenue Office Park, which is a Limited Manufacturing Zoning District, containing a mix of commercial uses including general office, warehouse and distribution, and other school and sports related uses (including Solomon Schechter Day School, Exxxel Gymnastics Academy, Tennis and Racquetball Club, etc.).

#### V. ANALYSIS

##### A. Technical Considerations, Sec.30-20(l)

The following table compares the proposed signs with the requirements of the Sign Ordinance:

	<b>Maximum size</b>	<b>Proposed</b>
<b>Sign 1: Freestanding sign</b>	35 ft. per Sec. 30-20(l) 12 sq. ft. per Deed Restriction	<b>12.67 sq. ft.</b>
<b>Sign 2: Wall mounted sign</b>	50 sq. ft.	24 sq. ft. (BSC)
<b>Sign 3: Wall mounted sign</b>	50 sq. ft.	9.63 sq. ft. (boston sports club)

As previously noted the petitioner is seeking a special permit for a freestanding sign and for two (existing) wall signs on the same frontage that would become secondary signs should the Board approve the freestanding sign.



Figure 1. Freestanding Sign



Figure 2. Sign 2 and Sign 3

The proposed freestanding sign (Sign 1) is also existing though no permit or Board Order authorizing it has been located. The existing sign is internally illuminated by fluorescent lamps. The petitioner is proposing to replace the face with a translucent red vinyl panel and to paint the existing cabinet red to match the face. The existing poles will be covered with new aluminum pole covers that will be sprayed brushed aluminum. The sign will be 12.67 sq. ft. (size of existing sign) which just exceeds the 12 sq. ft. area limitation of the Deed Restriction governing Wells Avenue.

Proposed (existing) secondary wall sign (Sign 2) is also internally illuminated by fluorescent lamps and is mounted on the existing porte-cochere. It replaced a previously existing sign and is 24 sq. ft. Proposed (existing) secondary sign (Sign 3) is non-illuminated and is located under the entrance door. It also replaced a previously existing sign and is 9.63 sq. ft.

B. Relevant Site Plan Approval Criteria, Sec.30-23

1. Convenience and safety of vehicular and pedestrian movement within the site

All patterns of vehicular and pedestrian movement are expected to remain unchanged and the entrances and exits to the building are also unchanged. The freestanding sign is setback 1.5 ft. from the lot line and will be open for approximately the first two feet underneath the panel. The petitioner is proposing some landscaping below and around the sign consisting of a mulch bed with euonymus and wintergreen shrubs. The City Traffic Engineer conducted a site visit and found no potential sight line problems with the proposed sign locations.

2. Consideration of Site Design

The petitioner has met with the UDBC and the Commission supported the current sign plan. The proposed signs appear to fit with the design elements of the building including scale and the number of signs appears appropriate given that two of the signs are secondary wall mounted signs and only visible to customers/members once on-site.

C. Relevant Special Permit Criteria, Sec.30-24

1. The specific site is an appropriate location for such use/structure.

The proposed signage will provide visibility for Boston Sports Club along Wells Avenue only. The freestanding signs proposed for the site is fairly understated and is consistent in scale with other freestanding signs along Wells Avenue. The proposed secondary signs will help direct people to the pedestrian entrances of the building.

2. The use as developed and operated will not adversely affect the neighborhood.

All of the proposed signs face Wells Avenue or the parking area for BSC and there are no residential units facing these signs. All of the signs will comply with the illumination requirements of Section 30-20(I)(1)-(3) and as such should have no adverse impacts on the neighborhood.

## VI. SUMMARY

The subject site is located in the Wells Avenue Office Park and occupied by Boston Sports Club. The site has recently been occupied by Wellbridge Health and Fitness Center and previously by several other athletic and fitness enterprises. While there is an existing freestanding sign on site, the petitioners were not able to discover an authorizing board order and are therefore seeking to legalize the existing sign and change the panel. Two UDBC approved wall mounted signs also exist on-site. As the freestanding sign would become the primary sign if approved, the applicant must also seek approval to waive the limit of one secondary wall sign per frontage and to authorize the two existing secondary wall signs facing the parking lot. The proposed freestanding sign just exceeds the size limit established in the Deed Restriction governing the Wells Avenue Office Park. Both of the secondary signs meet the size requirement of the Newton Zoning Ordinance.

All patterns of vehicular and pedestrian movement are expected to remain unchanged and the entrances and exits to the building are also unchanged. The City Traffic Engineer has reviewed the existing sign and has no concerns with sight lines and pedestrian or vehicular visibility. All of the signs will comply with the illumination requirements of Section 30-20(I)(1)-(3) and as such should have no adverse impacts on the neighborhood.

## ATTACHMENTS

**ATTACHMENT A:** Zoning Review Memorandum, dated June 12, 2007



## ***Zoning Review Memoranda***

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**Dt:** June 12, 2007

**To:** Batten Bros., representing Boston Sports Clubs

**Fr:** Juris Alksnitis, Chief Zoning Code Official

**Cc:** Michael Kruse, Director of Planning and Development  
John Lojek, Commissioner of Inspectional Services

**Re:** **Freestanding sign.**

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Applicant: Boston Sports Clubs	
<b>Site:</b> 135 Wells Ave.	<b>SBL:</b> Section 84, Block 34, Lot 2E
<b>Zoning:</b> Lim Mfg	<b>Lot Area:</b> 276,000 sq. ft.
<b>Current use:</b> Sports Club	<b>Prop. use:</b> Sports Club

### Background:

In January 2007, Boston Sports Clubs (BSC) as successor occupant to Wellbridge Health and Fitness Center at 135 Wells Ave. sought approval of several signs, including building wall signs and a freestanding sign. Following research, the applicant concluded that there was no prior special permit authorizing the predecessor freestanding sign. As a result, BSC proceeded to obtain Urban Design and Beautification Commission approval of two building signs, and deferred the freestanding sign. The petitioner now seeks approval to install the free standing sign, pursuant to Section 30-20(l) and a special permit from the Board of Aldermen. The applicant has consulted with the Urban Design and Beautification Commission on several occasions, and Commission comments are summarized below.

### Summary of Urban Design and Beautification Commission Comments

The Commission supports the current sign plan for the proposed freestanding sign. However the Commission notes that as the Sign Ordinance classifies a freestanding sign as the principal sign, the previously approved wall signs will be reclassified as secondary signs. As such these signs will need to meet secondary sign parameters as to dimension and number. Section 30-20(f)(2) imposes a limit of one secondary sign per frontage, necessitating a special permit to grant an exception per Section 30-20(l) for the second secondary wall sign on the same frontage.

### Administrative determinations

1. The site is subject to additional requirements as set forth in a Deed Restriction governing development of the Wells Ave area since 1968, as initially implemented by the City pursuant to Board Order #276-68(3), and amended from time to time. Board Orders #570-71 and 570-71(2) amended the initial Deed Restriction allowing a tennis facility. Over the years, the facility has evolved as an athletic establishment

housing several athletic and fitness enterprises, and has been granted various amendments authorizing a range of alterations in facility use and parking.

2. While a predecessor freestanding sign was installed at the site, the applicants were not able to discover an authorizing board order. In addition, the Deed Restriction, para. 8c establishes a 12 sq. ft. area limitation for freestanding signs while Section 30-20(l) establishes certain Zoning Ordinance parameters for such signs. All freestanding signs serving commercial establishments require approval by the Board of Aldermen per Sections 30-20(f)(9) and 30-20(l). The following analysis is based upon the submitted materials referenced in Plans and Materials Reviewed, below.
3. While the proposed freestanding sign meets the dimensional requirements of Section 30-20(l), its 12.67 sq. ft. sign area marginally exceeds the Deed Restriction limit of 12 sq. ft. This necessitates authorization from the Board of Aldermen to waive the 12 sq. ft. limit. It is noted that a size waiver was granted by the Board pertaining to a freestanding sign at 88 Wells Ave. (ref. BO#38-03(2)). The location of the sign is proposed in the same place as the current freestanding sign. New plantings will be provided at the base of the sign as shown on plans.
4. The proposed new sign meets the illumination requirements of Section 30-20(i)(1)-(3). It is also noted that signs need to comply with Section 30-20(i)(4) which states that signs may not be illuminated during the hours of 11:00 pm to 7:00 am, unless an exception is petitioned and obtained from the Board of Aldermen pursuant to Section 30-20(l) and 30-24(d), special permit.
5. Section 30-20(f)(2) limits secondary signs to one per frontage. With the addition of the proposed freestanding sign, both existing wall signs become secondary signs. As a result, the applicants need an exception pursuant to 30-20(l) to authorize two secondary signs on the same frontage. The two existing wall signs approved by the City in January 2007, already meet secondary sign dimensional requirements.
6. Zoning review provided hereby is limited to aspects pertaining to the Sign Ordinance only. See "Zoning Relief Summary" below.

<b>Zoning Relief Summary</b>		
<b>Ordinance</b>		<b>Action Required</b>
	<b>Non-conforming structure</b>	
30-21(b)	N/A	N/A
	<b>Free Standing Sign</b>	
✓ 30-20(f)(9) 30-20(l)	Approval of commercial freestanding sign naming the Boston Sports Clubs.	X
	<b>Wall Signs</b>	
✓ 30-20(f)(2) 30-20(l)	Approval to waive limit of one secondary wall sign per frontage and authorize two secondary wall signs on same frontage facing parking lot.	X

<b>Zoning Relief Summary (Cont.)</b>		
<b>Ordinance</b>		<b>Action Required</b>
	<b>Site</b>	
✓ 30-23	Approval of site plan identifying all sign locations.	X
✓ 30-23	Approval of elevation plan pertaining to placement of sign band for wall signs.	X
✓ 30-23	Approval of site plan locating freestanding sign and associated planting area, along with proposed plantings.	X
	<b>Special Permit</b>	
✓ 30-20(l) 30-24(d)	Approval of exception authorizing two secondary signs on same frontage facing parking lot.	X
✓ 30-20(l) 30-24(d)	Approval of freestanding sign.	X
	<b>Deed Restriction (BO#276-68(3); 734-72 et.al.)</b>	
DR Sec. 8c	Approval of dimensional waiver to allow freestanding sign installation exceeding 12 sq. ft. for BSC sign.	X

**Plans and materials reviewed:**

- Sign plan titled "Existing Ground Sign Retrofit, 135 Wells Ave., Newton MA", dated 12/16/06, prepared by Batten Bros. Sign Advertising, 893 Main St., Wakefield, MA 01880.
- Sign plan titled "Boston Sports Club Planting Plan, 135 Wells Ave., Newton MA", dated 5/8/07, prepared by Batten Bros. Sign Advertising, 893 Main St., Wakefield, MA 01880.
- Plan titled "Proposed Plot Plan, Boston Sports Club, 135 Wells Ave", dated March 30, 2007, prepared by Cuoco & Cormier Engineering Associates, Inc., 170 Main St., Unit 112, Tewksbury, MA 01876, stamped and signed by Richard Cuoco, Registered Land Surveyor.

**Related information**

- Board Order #276-68(3) - Deed Restriction/Option Agreement.
- Board Order #734-72 – Amendment to Deed Restriction.
- Board Order #570-71 – Special Permit authorizing initial development of 135 Wells Ave.